

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re: BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff,

Plaintiff,

v.

CAROL NELSON,

Defendant.

Adv. Pro. No. 10-04658 (SMB)

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff,

Plaintiff,

v.

CAROL NELSON, Individually and as Joint
Tenant; and STANLEY NELSON, Individually
and as Joint Tenant,

Defendants.

Adv. Pro. No. 10-04377 (SMB)

**DECLARATION OF LAN HOANG IN SUPPORT OF TRUSTEE'S SUPPLEMENTAL
MEMORANDUM OF LAW ON MOTION *IN LIMINE* NUMBER 2 TO ADMIT THE
TRIAL TESTIMONY OF FRANK DIPASCALI**

I, LAN HOANG, declare the following:

1. I am a Partner with the firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the supplemental memorandum on the Trustee’s Motion *in Limine* Number 2 to Admit the Trial Testimony of Frank DiPascali (the “Motion”).

3. In support of the Motion, the Trustee submitted Exhibit 5 to the declaration of Dean Hunt (“Hunt Decl.”),¹ which was a chart of page and line designations of criminal trial testimony of Frank DiPascali the Trustee sought to have admitted in the consolidated Nelson trial. This same exhibit was also marked as a trial exhibit, TX-005. The Trustee also marked the full transcripts of the testimony designated as separate exhibits. TX-355–TX-370.

4. Given the issues raised at trial, by the supplemental memorandum of law, the Trustee amends his request to admit DiPascali’s prior trial testimony only as it relates to treasury bills. Accordingly, the Trustee is submitting, as **Exhibit A** hereto, an amended chart of page and line designations of DiPascali’s criminal trial testimony that he seeks to admit into evidence at the Nelson trial. All of the testimony on this Exhibit A was previously designated by the Trustee when he filed the Motion and in his trial exhibit, TX-005. The Trustee has not sought to designate any new testimony.

¹ Hunt Decl., Exh. 5 (page and line designations) filed in *Picard v. Nelson*, Adv. Pro. No. 10-04377 (Bankr. S.D.N.Y. Apr. 24, 2019), ECF No. 137 and *Picard v. Nelson*, Adv. Pro. No. 10-04658 (Bankr. S.D.N.Y. Apr. 24, 2019), ECF No. 140.

5. As requested by the Court, Baker & Hostetler LLP has also prepared a chart listing the specific page and line designations from the criminal trial transcripts where DiPascali was cross-examined (and re-directed in one instance) on treasury bills, attached hereto as **Exhibit B**. The Trustee submits Exhibit B for the Court's reference and does not seek to admit that testimony into evidence.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746(2).

Date: New York, New York
July 30, 2019

/s/ *Lan Hoang*
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Lan Hoang
Email: lhoang@bakerlaw.com

Attorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff